

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SIDI MOUHAMED DEIDE, ADAMA SY,
ABDALLAHI SALEM, MOUHAMED SAID
MALOUM DIN, and JHONNY NEIRA on
behalf of himself and all similarly situated
people,

Plaintiffs,

v.

EDWIN J. DAY as Rockland County
Executive; STEVEN M. NEUHAUS as
Orange County Executive,

Defendants.

Case No. 23-cv-3954 (NSR)

DECLARATION OF AMY BELSHER

I, Amy Belsher, a member of the Bar of New York and a member of the bar of this court, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am a Senior Staff Attorney at the New York Civil Liberties Union (“NYCLU”) and serve as counsel for the plaintiffs in this case. I submit this declaration in support of the plaintiffs’ application for an Order to Show Cause.

2. This case challenges emergency executive orders issued by Rockland County and Orange County last week that purport to limit migrants and asylum seekers from being transported to and housed in hotels, motels, and other short-term lodging within the counties. Following issuance of the order, the defendants, County Executives of Rockland and Orange Counties, have taken a series of aggressive steps to enforce the orders, resulting in serious and immediate risks to the plaintiffs.

3. On or around Friday, May 5, 2023, New York City Mayor Eric Adams announced a “new, voluntary program,” open to the plaintiffs and other migrants located in shelters around New York City. Under the program, described by Mayor Adams as a way for participants to establish “connections to local communities as they build a stable life in New York State,” New York City would offer transportation to Orange and Rockland Counties, where program participants would continue to receive temporary lodging, meals, and social services funded by New York City. To effectuate this program, New York City entered into contracts with local hotels, including the Crossroads Hotel, located in Newburgh in Orange County, and the Armoni Inn and Suites, located in Orangeburg in Rockland County. The plaintiffs each opted into the program.

4. In response to Mayor Adams’s announcement, government officials in Orange and Rockland Counties took immediate and extraordinary steps to block the program. On May 5, Defendant Ed Day declared a state of emergency in Rockland County and issued an emergency executive order the following day. Two days later, on Monday, May 8, Defendant Neuhaus issued an executive order declaring a state of emergency in Orange County. Both orders sought to bar New York City from following through on its program and transporting migrants from New York City to the counties to bar hotels in the counties from receiving and housing migrants participating in the City’s program.

5. On Tuesday, May 9 the NYCLU met with migrants being housed in a shelter in Brooklyn about the City’s program and the county executive orders. The NYCLU was retained that day and two days later, on May 11, filed a complaint that was assigned to this Court. The NYCLU has since retained an additional plaintiff and amended the complaint to allege claims on behalf of a class. After being blocked from traveling to Rockland County last week, four

plaintiffs were able to travel to Orange County and as of the filing of this declaration remain at a hotel there in the midst of a stream of aggressive statements and actions by County officials.

6. The plaintiffs move by order to show cause because they lack sufficient time to move by notice of motion. The plaintiffs are currently being prevented from freely relocating to and finding shelter within Rockland and Orange Counties because of the defendants' executive orders. Defendant Day has deployed law enforcement across the county and repeatedly threatened to impose legal penalties for violations of the challenged executive order. And while several members of the putative class have relocated to hotels in Orange County, Defendant Neuhaus has repeatedly noted his intention to enforce the executive order, at one point threatening to intercept buses carrying migrants there in a "standoff." As a result, the plaintiffs in Orange County are at imminent risk of eviction from their current housing in a hotel in Orange County.

7. I have conferred with counsel from the Rockland County Attorney's Office, Principal Assistant County Attorney Lorraine Feiden, who agreed to accept service on behalf of Defendant Day and consented to the plaintiffs' proposed briefing schedule on their motion for a preliminary injunction.

8. I separately attempted to confer with the Orange County Attorneys' Offices and was informed via email that the County Attorney, Richard Golden, would not accept service or agree to any proposed briefing schedule because the Court had not yet issued summonses in the case.

9. No previous application for similar relief has been made.

/s/ Amy Belsher
AMY BELSHER

Dated: May 15, 2023
New York, N.Y.